

UNITED STATES DISTRICT COURT

for the
Southern District of California

In the Matter of the Search of

(Briefly describe the property to be searched
or identify the person by name and address)27746 WILLOW TRAIL
ESCONDIDO, CALIFORNIA

Case No. '12MJ8031

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

REFER TO ATTACHMENT A

located in the SOUTHERN District of CALIFORNIA, there is now concealed (identify the person or describe the property to be seized):

REFER TO ATTACHMENT B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

Offense Description

Title 18, U.S.C. § 922(a)(3)

Illegal Transportation or Receipt in State of Residency of Firearm Purchased
or Acquired OUTSIDE State of Residency

Title 18 U.S.C. § 922(a)(6)

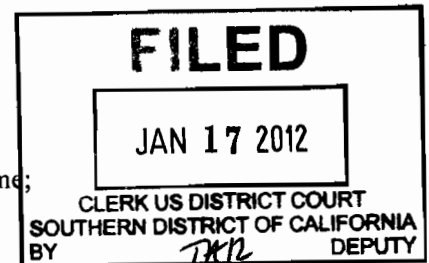
False Statement During Purchase of a Firearm

The application is based on these facts:

Refer to attached affidavit of ATF Special Agent Steven C. McKenna.

✓ Continued on the attached sheet.

Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested
under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

STEVEN C. MCKENNA, SPECIAL AGENT

Printed name and title

Sworn to before me and signed in my presence.

Date: 1-17-2012 @ 9:05 a.m.

Judge's signature

City and state: EL CENTRO, CALIFORNIA

HON. PETER C. LEWIS, U.S. MAGISTRATE JUDGE

Printed name and title

ATTACHMENT A
PREMISES TO BE SEARCHED

Address:

27746 Willow Trail
Escondido, California

Description of Premises:

The premises is described as a single-story residence with off-white stucco and white trim located on the south side of the street. The front door is gray and faces north. There are approximately three windows facing north and one window facing east. There is also a red brick facade below the windows which surrounds the lower portion of the residence. There is an attached two-car garage with a white door and the numbers "27746" are displayed above the doors in the eastern corner. The premises includes rooms, attics, basements, porches, safes and containers, and other parts therein, as well as the surrounding grounds and driveway, and any garages, carports, storage rooms, storage lockers, trash containers, and outbuildings specifically associated with, or assigned to, the residence, and any vehicles parked on the property or in the driveway specifically registered to occupants of the premises.

ATTACHMENT B
ITEMS TO BE SEIZED

a. One (1) State of Arizona ID Card, number D06557401 in the name of Claude STEMP (STEMP), date of birth September 12, 1940.

~~ALL ILLEGALLY POSSESSED~~ *pel* *pel*

pel b. ~~Any and all firearms including, but not limited to,~~ the following firearms: ¹

1. Walther, model SP22, .22 caliber pistol bearing serial number KL006680;
2. Taurus, model PT1911, .38 caliber pistol bearing serial number LBX05486;
3. Taurus, model PT 1911, .38 caliber pistol bearing serial number LBX06372;
4. Sig Sauer, model SP2022, 9mm pistol bearing serial number 24B026456;
5. Taurus model PT709, .9mm pistol bearing serial number TDM22378;
6. Tanfoglio, F.LLI, S.N.C., model Witness, .40 caliber pistol bearing serial number EA49775;
7. Tanfoglio, F.LLI, S.N.C., model Witness, .38 caliber pistol bearing serial number EA53484;
8. Sig Sauer, model GSR 1911, .45 caliber pistol bearing serial number GS29598;
9. Taurus, model PT1911, .38 caliber pistol bearing serial number LBY50867;
10. Tanfoglio, F.LLI, S.N.C., model Witness, 9mm pistol bearing serial number EA53552;
11. Tanfoglio, F.LLI, S.N.C., model Witness, 9mm pistol bearing serial number EA46807;
12. Tanfoglio, F.LLI, S.N.C., model Witness, 9mm pistol bearing serial number EA52270;
13. Taurus, model PT92, 9mm pistol bearing serial number TCY98090;
14. Taurus, model PT92, 9mm pistol bearing serial number TCY98057;
15. Beretta, Pietro S.P.A, model 92FS, 9mm pistol bearing serial number J63100Z;
16. Legacy Sports, model Howa 223, .223 caliber rifle bearing serial number B183255;
17. Legacy Sports, model Howa , .30-06 caliber rifle bearing serial number B206320;
18. Legacy Sports, model Howa Sporter, .308 caliber rifle with serial number B206526,
19. Legacy Sports, model Howa Sporter, 7mm rifle bearing serial number B190398;
20. Sig Sauer, model GSR 1911, .45 caliber pistol bearing serial number GS20196;
21. Sig Sauer, model GSR 1911, .45 caliber pistol

bearing serial number GS31228;

22. Sig Sauer, model GSR 1911, .45 caliber pistol bearing serial number GS34820;

23. Tanfoglio, F.LLI, S.N.C., model Witness, .45 caliber pistol bearing serial number EA54903;

24. Remington Arms Company, Inc., model 1911RI, .45 caliber pistol bearing serial number JB19110371;

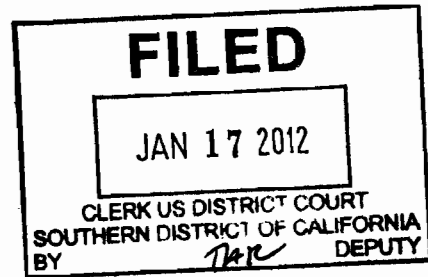
25. Keltec, Industries, Inc., model PMR-30, .22 caliber pistol bearing serial number W2R85; and

26. EMF (Early Modern Firearms), model Junior Carbine, .40 caliber rifle bearing serial number JRO15316.

c. Any documents or records that are related to the sale, purchase, receipt, or possession of FIREARM 1 through FIREARM 26, specifically receipts, bills of sale, letters, notes, and correspondence requesting, confirming, or otherwise relating to purchases and sales, shipping receipts, credit card receipts, identification cards, and bank statements.

d. Any documents or records that reflect the identity of the person(s) controlling, occupying, possessing, residing in or owning the Subject Location to be searched, including rental agreements, leases, rent receipts, deeds, escrow documents, utility bills and other mailed envelopes reflecting the address and addressee.

e. Any and all receipts, tickets or other documents reflecting travel between California and Arizona by STEMP.



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

IN THE MATTER OF THE SEARCH OF) CASE NO.: **12MJ8031**
27746 WILLOW TRAIL)
ESCONDIDO, CALIFORNIA) AFFIDAVIT OF BUREAU OF ALCOHOL,
) TOBACCO, FIREARMS & EXPLOSIVES
) SPECIAL AGENT STEVEN C. McKENNA
) IN SUPPORT OF APPLICATION OF
) SEARCH WARRANT

I, Steven C. McKenna, Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), having been duly sworn, depose and state as follows:

A. EXPERIENCE AND TRAINING

1. I am a SA employed by the ATF, United States Department of Justice, and have been so employed for approximately two and half years. I am also a graduate of the Orange County Police Chief's Association Academy and was employed as a police officer in the State of New York, for the Town of New Windsor Police Department, for approximately 21 months.

2. I am a graduate of the Federal Law Enforcement Training Center and the ATF National Academy. I am currently assigned to the El Centro, California Field Office. As a result of my training

1 and experience as an ATF Agent, I am familiar with federal and
2 state criminal laws. My primary duties have been the enforcement
3 of federal firearm, arson and explosive laws. I have participated
4 in investigations of possession of firearms by prohibited persons
5 and the possession of illegal firearms. I have participated in
6 investigations that involved interstate and international firearms
7 trafficking. I have also participated in the searches of residences
8 and businesses involving federal and state firearms violations.
9

10 B. PREMISES TO BE SEARCHED

11 3. This affidavit is made in support of an application for
12 a warrant to search the following location as there is probable
13 cause to believe evidence of violations of Title 18, United States
14 Code, Sections 922(a)(3) (Illegal Transportation or Receipt in
15 State of Residency of Firearm Purchased or Acquired Outside State
16 of Residency), and 922(a)(6) (False Statement During Purchase of a
17 Firearm) exists and can be found at 27746 Willow Trail, Escondido,
18 California: ("Subject Location"):

19
20 The Subject Location is described as a single-story
21 residence with off-white stucco and white trim located on
22 the south side of the street. The front door is gray and
23 faces north. There are approximately three windows facing
24 north and one window facing east. There is also a red
25 brick facade below the windows which surrounds the lower
26 portion of the residence. There is an attached two-car
27 garage with a white door and the numbers "27746" are
28 displayed above the doors in the eastern corner. The
Subject Location includes rooms, attics, basements,
porches, safes and containers, and other parts therein,
as well as the surrounding grounds and driveway, and any
garages, carports, storage rooms, storage lockers, trash
containers, and outbuildings specifically associated
with, or assigned to, the residence and any vehicles
parked on the property or in the driveway specifically

1 registered to occupants of the Subject Location (See
2 Attachment A).

3 C. PROPERTY TO BE SEIZED

4 4. The items to be seized are described as follows, and also
5 described in Attachment B, and incorporated herein by reference:

6 a. One (1) State of Arizona ID Card, number D06557401
7 in the name of Claude STEMP (STEMP), date of birth September 12,
8 1940.

9 b. Any and all firearms acquired in violation of Title
10 18, United States Code, Sections 922(a)(3) and 922(a)(6), including
11 but not limited to the following firearms:

12 1. Walther, model SP22, .22 caliber pistol bearing
13 serial number KL006680 (FIREARM 1);

14 2. Taurus, model PT1911, .38 caliber pistol
15 bearing serial number LBX05486 (FIREARM 2);

16 3. Taurus, model PT1911, .38 caliber pistol
17 bearing serial number LBX06372 (FIREARM 3);

18 4. Sig Sauer, model SP2022, 9mm pistol bearing
19 serial number 24B026456 (FIREARM 4);

20 5. Taurus model PT709, .9mm pistol bearing serial
21 number TDM22378 (FIREARM 5);

22 6. Tanfoglio, F.LLI, S.N.C., model Witness, .40
23 caliber pistol bearing serial number EA49775 (FIREARM 6);

24 7. Tanfoglio, F.LLI, S.N.C., model Witness, .38
25 caliber pistol bearing serial number EA53484 (FIREARM 7);

26 8. Sig Sauer, model GSR 1911, .45 caliber pistol
27
28

1 bearing serial number GS29598 (FIREARM 8);

2 9. Taurus, model PT1911, .38 caliber pistol
3 bearing serial number LBY50867 (FIREARM 9);

4 10. Tanfoglio, F.LLI, S.N.C., model Witness, 9mm
5 pistol bearing serial number EA53552 (FIREARM 10);

6 11. Tanfoglio, F.LLI, S.N.C., model Witness, 9mm
7 pistol bearing serial number EA46807 (FIREARM 11);

8 12. Tanfoglio, F.LLI, S.N.C., model Witness, 9mm
9 pistol bearing serial number EA52270 (FIREARM 12);

10 13. Taurus, model PT92, 9mm pistol bearing serial
11 number TCY98090 (FIREARM 13);

12 14. Taurus, model PT92, 9mm pistol bearing serial
13 number TCY98057 (FIREARM 14);

14 15. Beretta, Pietro S.P.A, model 92FS, 9mm pistol
15 bearing serial number J63100Z (FIREARM 15);

16 16. Legacy Sports, model Howa 223, .223 caliber
17 rifle bearing serial number B183255 (FIREARM 16);

18 17. Legacy Sports, model Howa , .30-06 caliber
19 rifle bearing serial number B206320 (FIREARM 17);

20 18. Legacy Sports, model Howa Sporter, .308 caliber
21 rifle with serial number B206526 (FIREARM 18),

22 19. Legacy Sports, model Howa Sporter, 7mm rifle
23 bearing serial number B190398 (FIREARM 19);

24 20. Sig Sauer, model GSR 1911, .45 caliber pistol
25 bearing serial number GS20196 (FIREARM 20);

26 21. Sig Sauer, model GSR 1911, .45 caliber pistol
27
28

1 bearing serial number GS31228 (FIREARM 21);

2 22. Sig Sauer, model GSR 1911, .45 caliber pistol
3 bearing serial number GS34820 (FIREARM 22);

4 23. Tanfoglio, F.LLI, S.N.C., model Witness, .45
5 caliber pistol bearing serial number EA54903 (FIREARM 23);

6 24. Remington Arms Company, Inc., model 1911RI, .45
7 caliber pistol bearing serial number JB19110371 (FIREARM 24);

8 25. Keltec, Industries, Inc., model PMR-30, .22
9 caliber pistol bearing serial number W2R85 (FIREARM 25); and
10

11 26. EMF (Early Modern Firearms), model Junior
12 Carbine, .40 caliber rifle bearing serial number JRO15316 (FIREARM
13 26).

14 c. Any documents or records that are related to the
15 sale, purchase, receipt, or possession of FIREARM 1 through FIREARM
16 26, specifically receipts, bills of sale, letters, notes, and
17 correspondence requesting, confirming, or otherwise relating to
18 purchases and sales, shipping receipts, credit card receipts,
19 identification cards, and bank statements.
20

21 d. Any documents or records that reflect the identity
22 of the person(s) controlling, occupying, possessing, residing in or
23 owning the Subject Location to be searched, including rental
24 agreements, leases, rent receipts, deeds, escrow documents, utility
25 bills and other mailed envelopes reflecting the address and
26 addressee.
27

28 e. Any and all receipts, tickets or other documents
reflecting travel between California and Arizona by STEMP.

1 D. PROBABLE CAUSE:

2 5. I know based upon my training and experience, it is a
3 violation of federal law for persons to transport or receive
4 firearms into the state they reside when the firearm was purchased
5 or obtained unlawfully in another state. Title 18, United States
6 Code, Section 922(a)(3) provides in pertinent part:
7

8 It shall be unlawful - for any person, other than a
9 licensed importer, licensed dealer, or licensed collector
10 to transport into or receive in the State where he
11 resides (or if the person is a corporation or other
12 business entity, the State where it maintains a place of
13 business) any firearm purchased or otherwise obtained by
14 such person outside the State, except that this paragraph
15 (A) shall not preclude any person who lawfully acquires
16 a firearm by bequest or interstate succession in a State
17 other than his State of residence from transporting the
18 firearm into or receiving it in that State, if it is
19 lawful for such person to purchase or possess such
20 firearm in that State, (B) shall not apply to the
21 transportation or receipt of a firearm obtained in
22 conformity with subsection (b)(3) of this section, and
23 (C) shall not apply to the transportation of any firearm
24 acquired in any State prior to the effective date of this
25 chapter.¹
26

27 6. I also know Ninth Circuit Model Jury Instruction 8.55, in
28 relation to Title 18, United States Code, Section 922(a)(3),
provides the following recitation of the elements:

First, the defendant was not licensed as a firearms
[dealer] [importer] [manufacturer] [collector]; and

Second, the defendant willfully [transported into]
[received in] the state in which the defendant resided a
[specify firearm] that the defendant purchased or
otherwise obtained outside that state.

¹ Subsection 922(b)(3) sets out a specific exemption for shotguns and rifles. Because the firearms at issue here are pistols and revolvers, subsection 922(b)(3)'s exemption does not apply.

1
2 7. Furthermore, I know based upon my training and
3 experience, it is a violation of federal law for persons who are
4 residents of the State of California to use a State of Arizona ID
5 Card in order to misrepresent Arizona residency so as to purchase
6 firearms directly from Federal Firearms Licensees (FFLs) in the
7 State of Arizona. Title 18, United States Code, Section 922(a)(6)
8 provides in pertinent part:
9

10 It shall be unlawful - for any person in connection with
11 the acquisition or attempted acquisition of any firearm
12 or ammunition from a licensed importer, licensed
13 manufacturer, licensed dealer, or licensed collector,
14 knowingly to make any false or fictitious oral or written
15 statement or to furnish or exhibit any false, fictitious,
16 or misrepresented identification, intended or likely to
17 deceive such importer, manufacturer, dealer, or collector
18 with respect to any fact material to the lawfulness of
19 the sale or other disposition of such firearm or
20 ammunition under the provisions of this chapter.

21 8. Falsification of identity is an element of Title 18,
22 United States Code, Section 922(a)(6), and may be proved by
23 evidence of use of a false name, age or place of residence.²
24

25 9. Since October 6, 2011, I have reviewed information from
26 ATF's National Tracing Center and learned the following:
27

28 a. On February 27, 2011, a person identifying himself
as STEMP, utilizing Arizona ID Card number D06557401, purchased
FIREARMS 1, 2, 3, 4 and 5 from Jones & Jones, an FFL in Yuma,
Arizona.

b. On April 1, 2011, a person identifying himself as

² United States v. Buck, 548 F.2d 871, 876 (9th Cir. 1977).

1 STEMP, utilizing Arizona ID Card number D06557401, purchased
2 FIREARMS 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19 from
3 Jones & Jones, an FFL in Yuma, Arizona.

4 c. On July 21, 2011, a person identifying himself as
5 STEMP, utilizing Arizona ID Card number D06557401, purchased
6 FIREARMS 20, 21, 22, 23, 24, 25 and 26 from Jones & Jones, an FFL
7 in Yuma, Arizona.

8
9 10. On October 3, 2011, I caused a search to be completed in
10 "Accurint" for STEMP. Accurint is a national comprehensive
11 database showing individuals, their address, residential telephone
12 numbers, possible employers, possible business affiliations,
13 possible relatives, and possible properties owned by the person.
14 I learned from the report that STEMP is listed as currently
15 residing at the Subject Location and has been associated with the
16 Subject Location since December 2006.

17 11. As part of my investigation, I have reviewed a number of
18 ATF Form 4473's. An ATF Form 4473, Firearms Transaction Record, is
19 a document that is completed by both the buyer and seller to
20 document and record all firearm sales conducted by FFLs to private
21 parties. To complete ATF Form 4473, the intended purchaser must
22 present identification to the FFL, provide personal information on
23 the form, answer a series of questions. The purchaser then signs
24 the form to certify the information provided is true and correct.
25 In essence, the form is an initial screening device, prior to a
26 background check, to determine if the buyer is prohibited from
27 purchasing a firearm. The top of the form also contains the
28

1 following: "Warning: You may not receive a firearm if prohibited by
2 Federal or State Law. The information you provide will be used to
3 determine whether you are prohibited under law from receiving a
4 firearm." The back of the form also provides important notices to
5 both the FFL and the purchaser concerning the execution of this
6 official document. Under the section listed "Instructions to
7 Transferor," the first paragraph states: "Before a licensee may
8 sell or deliver a firearm to a non-licensee, the licensee must
9 establish the identity, place of residence, and age of the buyer."
10 The buyer must provide a valid government-issued photo
11 identification to the seller that contains the buyer's name,
12 residence address, and date of birth. The licensee must record the
13 type of identification, identification number and expiration (if
14 any) of the identification in response to question 18a of the form.
15 A driver's license or an identification card issued by a State is
16 acceptable.
17

18 12. During this investigation, I have reviewed numerous
19 copies of ATF Form 4473, Firearms Transaction Record, from Jones &
20 Jones. After reviewing the forms, I learned the following:
21

22 a. On February 27, 2011, STEMP completed Section A of
23 this form and answered that his full name was Claude STEMP, date of
24 birth September 12, 1940, his current residence address was 1106 S.
25 Hereford Avenue, Yuma, "CA," and his state of residence was
26 Arizona. STEMP wrote "CA" when filling in his current residence,
27 but the above-mentioned address does not exist. STEMP appears to
28 have written "CA" unintentionally, as he indicates further down on

1 the ATF Form 4473, under question number 13, his state of residence
2 was "AZ."

3 b. In section B, the seller recorded STEMP had
4 presented Arizona ID Card number D06557401 to the seller as
5 identification.

6 c. In section D, the seller listed STEMP purchased
7 FIREARMS 1 and 2.

8 d. Although not listed on the copy of ATF Form 4473, an
9 ATF National Tracing Center Form completed on March 3, 2011,
10 revealed that on February 27, 2011, STEMP also purchased FIREARMS
11 3, 4 and 5 using Arizona ID Card number D06557401 and the address
12 1106 S. Hereford Avenue, Yuma, Arizona 85364. Also reflected on
13 the same ATF National Tracing Center Form is the purchase of an
14 additional firearm by STEMP: a Sig Sauer, model P250, .45 caliber
15 pistol with serial number EAK035994 (FIREARM 27).
16

17 e. On April 1, 2011, STEMP, completed Section A of
18 another ATF Form 4473 and answered his full name was Claude STEMP,
19 date of birth September 12, 1940; his current residence address was
20 1106 S. Hereford Avenue, Yuma Arizona; and his state of residence
21 was Arizona.
22

23 f. In section B, the seller recorded STEMP had
24 presented Arizona ID Card number D06557401 to the seller as
25 identification.

26 g. In section D, and continuing on an additional piece
27 of paper, the seller listed STEMP purchased FIREARMS 6, 7, 8, 9,
28 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, as well as one additional

1 firearm: a German Sports Guns, model GSG-1911, .22 caliber pistol
2 with serial number A379533 (FIREARM 28).

3 h. On July 21, 2011, STEMP completed Section A of
4 another ATF Form 4473 and answered his full name was Claude STEMP,
5 date of birth September 12, 1940, his current residence address was
6 1106 S. Hereford Avenue, Yuma, Arizona, and his state of residence
7 was Arizona.

8
9 i. In section B, the seller recorded STEMP had
10 presented Arizona ID Card number D06557401 to the seller as
11 identification.

12 j. In section D, the seller listed STEMP purchased
13 FIREARMS 20, 21, 22, 23, 24, 25 and 26.

14 13. During this investigation, I performed a search of the
15 California Department of Motor Vehicles (CA DMV) records for STEMP,
16 California Driver's License number J0463610, date of birth
17 September 12, 1940, which lists the Subject Location as his current
18 address. STEMP applied for and received his California Driver's
19 License on November 16, 2009.

20
21 14. On November 4, 2011, I caused a search of Arizona
22 Department of Economic Security records to be performed to
23 determine if any record existed showing STEMP was employed in the
24 State of Arizona during the past five years; no record of such
25 employment was found.

26 15. On October 17, 2011, California Department of Justice (CA
27
28

1 DOJ) SA Alfred Alvarado and I met with Yuma Police Department
2 Detective John Sinz who retrieved a "calls to service" history for
3 1106 S. Hereford Avenue, Yuma, Arizona 85364. Detective Sinz
4 stated there were no calls to service involving STEMP, only
5 individuals with the last name "Steinberg."

6 16. On November 2, 2011, CA DOJ SA Alvarado and I traveled to
7 1106 S. Hereford Avenue, Yuma, Arizona 85364. SA Alvarado and I
8 spoke with Gary Steinberg, the owner of the residence, who stated
9 STEMP currently lives in California and does not live at his
10 address.
11

12 17. During this investigation, I have obtained and compared
13 copies of the photos on Arizona Identification Card number
14 D06557401, with the California DMV photo for STEMP and determined
15 that they are same person.

16 18. On November 3, 2011, CA DOJ SA Alfred Alvarado and I
17 conducted surveillance at the Subject Location and observed it to
18 be inside of a gated community. At the entrance of the gates, an
19 electronic directory is available and I located the last name
20 "STEMP" on the screen. I entered the community and observed
21 STEMP's residence, but it was difficult to continue surveillance
22 due to the residence being located on a cul-de-sac with very few
23 vehicles parked on the street.
24

25 19. During this investigation, I caused a check to be made of
26 the California Department of Motor Vehicles ("CA DMV") records and
27 discovered three vehicles with valid registrations are registered
28 to Claude STEMP and Andrea STEMP with the Subject Location address

1 (6NBF769, 6KEL823, and 6SXM380).

2 20. During this investigation, I have been advised by ATF
3 Industry Operations Investigator (IOI) Luis A. Barajas that STEMP
4 no longer possesses a Federal Firearms Licensee (FFL), thus, he is
5 not licensed to sell or transport firearms. STEMP possessed an FFL
6 between the years 1993 to 1996, under the name "Straight Shooter,"
7 but it is no longer active.
8

9 21. I was also advised by ATF IOI Barajas that STEMP is not
10 a licensed importer or licensed collector, thus, he is not licensed
11 to sell or transport firearms.

12 22. During this investigation, I have caused a search of
13 California Department of Justice (CA DOJ) Automated Firearm System
14 (AFS) for any firearms registered to STEMP. CA DOJ AFS is a
15 computerized system administered by the CA DOJ which tracks the
16 serial numbers of every firearm (except most long guns) which has
17 been legally purchased, seized/destroyed/held in evidence by law
18 enforcement, reported stolen, recovered, voluntarily registered, or
19 handled by a firearms dealer. I learned STEMP sold two firearms
20 which he purchased from Jones & Jones, the FFL located in Yuma,
21 Arizona, specifically FIREARM 27 and FIREARM 28.
22

23 a. On March 21, 2011, STEMP sold FIREARM 27 to an
24 individual residing in California. STEMP sold the firearm at
25 Turner's Outdoorsman's, an FFL in San Marcos, California, and used
26 the Subject Location as his address. STEMP originally purchased
27 the firearm from Jones & Jones on February 27, 2011, as reflected
28 in the ATF National Tracing Center Form addressed above.

1 b. Additionally, on August 15, 2011, STEMP sold
2 FIREARM 28 to an individual residing in California. STEMP sold the
3 firearm at Turner's Outdoorsman's, an FFL in San Marcos,
4 California, and used the Subject Location as his address. STEMP
5 originally purchased the firearm from Jones & Jones on April 1,
6 2011, as reflected in the ATF National Tracing Center Form
7 addressed above.

8 23. I also learned through CA DOJ AFS, that STEMP has
9 purchased and legally registered approximately four handguns in the
10 State of California using the Subject Location as his address.
11 Since these firearms were legally purchased and possessed by STEMP
12 they are not part of this application and will not be seized unless
13 they have been modified in violation of California and/or Federal
14 law.
15

16 24. I know the following from my experience, training, and
17 research:

- 18 a. Arizona ID Cards do not have an expiration date;
19 b. Unlike the State of California, the State of Arizona
20 does not have a mandatory waiting period to purchase firearms and
21 that, instead, firearms sales in Arizona are based upon the
22 National Instant Check System (NICS). Under NICS, an initial
23 computer background check on the purchaser is done to determine if
24 the purchaser is a prohibited person and ineligible to purchase a
25 firearm. NICS therefore allows near simultaneous sales of firearms
26 as long as the person passes the background check. The lack of a
27
28

1 waiting period is a factor that entices California-based firearm
2 traffickers to unlawfully purchase firearms in the State of
3 Arizona;

4 c. The State of Arizona does not maintain a centralized
5 list or registry of firearms akin to the CA DOJ AFS, and therefore
6 it is not possible to determine how many handguns STEMP may have
7 unlawfully purchased in the State of Arizona. The lack of a
8 centralized list is another contributing factor that entices
9 California-based firearm traffickers to unlawfully acquire firearms
10 in the State of Arizona; and

12 d. By possessing an Arizona ID Card it would be
13 possible for STEMP to purchase firearms in the State of Arizona for
14 a prolonged period of time without such purchases being detected
15 unless a Multiple Sales Form (a form that firearms dealers are
16 required to complete and send to ATF to report the sale of more
17 than one handgun to the same buyer within a five-day period) was
18 executed or he was otherwise brought to the attention of law
19 enforcement.
20

21 25. I know the U.S. Government publication Federal Firearms
22 Regulation Reference Guide cites the United States Code, the Code
23 of Federal Regulations, ATF Rulings, and other government circulars
24 and bulletins as they apply to the regulation of the firearms
25 industry within the United States and, as such, is used by both
26 ATF, Federal Firearms Licensees and others as a source document to
27 answer frequently asked questions (FAQs) that occur in the
28

1 regulation of the firearms industry within the United States. The
2 Federal Firearms Regulation Reference Guide addresses the following
3 FAQs:

4 a. Question: "What constitutes residency in a State?"

5 Answer: "the State of residence is the State in
6 which an individual is present with the intention of making a home
7 in that State."

8 b. Question: "May a person who resides in one State
9 and owns property in another State purchase a handgun in either
10 State?"

11 Answer: "If a person maintains a home in two States
12 and resides in both States for certain periods of the year, he or
13 she may, during the period of time the person actually resides in
14 a particular State, purchase a handgun in that State. But simply
15 owning property in another State does not qualify the person to
16 purchase a handgun in that State."

17 c. Question: "May a licensed dealer sell a firearm to
18 a non-licensee who is a resident of another State?"

19 Answer: "Generally, a firearm may not be sold by a
20 licensed dealer to a non-licensee who resides in a State other than
21 the State in which the seller's licensed location is located.
22 However, the sale may be made if the firearm is shipped to a
23 licensed dealer whose business is in the purchaser's State of
24 residence and the purchaser takes delivery of the firearm from the
25 dealer in his or her State of residence. In addition, a licensee
26
27
28

1 may sell a rifle or shotgun to a person who is not a resident of
2 the State where the licensee's business location is located in an
3 over-the-counter transaction, provided the over-the-counter
4 transaction complies with State law in the State where the licensee
5 is located and in the State where the purchaser resides and
6 provided the sale complies with all applicable Federal laws."

7
8 d. Question: "May an unlicensed person obtain a firearm
9 from an out-of-State source if the person arranges to obtain the
10 firearm through a licensed dealer in the purchaser's own State?"

11 Answer: "A person not licensed under the GCA (Gun
12 Control Act) and not prohibited from acquiring firearms may
13 purchase a firearm from an out of State source and obtain the
14 firearm if an arrangement is made with a licensed dealer in the
15 purchaser's State of residence for the purchasers to obtain the
16 firearm from the dealer."

17 26. The ATF Form 4473s and an ATF National Tracing Center
18 Form I reviewed documenting the firearms purchased by STEMP
19 indicate STEMP bought the twenty-six (26) above-listed firearms
20 directly from Jones & Jones in Yuma, Arizona, and not through an
21 arrangement with a licensed dealer in California.
22

23 27. Based upon my examination of the documents regarding
24 STEMP, searches of electronic databases, interviews, and my
25 experience and training, I have concluded the following:

26 a. STEMP possesses identification documents for the
27 State of California and the State of Arizona;

28 b. STEMP purchased a total of twenty-six (26) firearms

1 between February 27, 2011, and July 21, 2011, from a Federal
2 Firearms Licensee in Yuma, Arizona;

3 c. During these purchases, STEMP represented his
4 residence to be 1106 S. Hereford Avenue, Yuma Arizona, and his
5 state of residence to be Arizona;

6 d. STEMP was a resident of the State of California, and
7 not a resident of the State of Arizona, during the time he made the
8 firearms purchases; and
9

10 e. STEMP currently resides at the Subject Location.

11 28. Based upon my experience, I know California residents
12 often illegally obtain out of state firearms by utilizing either
13 misrepresented or fraudulently obtained identification documents
14 and then bring the firearms back to California for either their own
15 personal inventory or for illicit sales on the black market or a
16 combination of both.

17 29. Based upon my training and experience, persons who use
18 misrepresented identification to purchase firearms will maintain
19 possession of those documents until they expire, or are no longer
20 available to them.
21

22 30. In addition to the foregoing facts, I know persons who
23 possess, purchase, or sell firearms generally maintain the firearms
24 and records of their firearm transactions as items of value and
25 usually keep them in their residence, or in places that are readily
26 accessible, and under their physical control, such as a commercial
27 storage unit, or their vehicle. Many people also keep mementos of
28 their firearms, including digital photographs or videotapes of

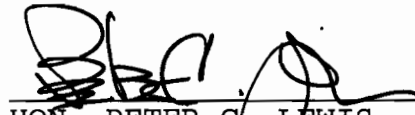
1 themselves possessing or using firearms on their computers, flash
2 drives, and portable hard drives. Many people do not dispose of
3 their firearms or firearm related records; they usually keep their
4 firearms and records for long periods, often spanning several
5 years, in a secure location within their residence, or storage
6 unit³.
7

8 31. Based upon my training and experience, and the facts set
9 forth herein, I submit there is probable cause to believe STEMP is
10 in possession of evidence showing he unlawfully purchased firearms
11 in the State of Arizona and transported the firearms into the State
12 of California in violation of Title 18, United States Code,
13 Sections 922(a)(3) and (a)(6). I further submit there is probable
14 cause to believe that evidence of these violations will be found at
15 the Subject Location.
16



STEVEN C. McKENNA
Special Agent
Bureau of Alcohol, Tobacco,
Firearms and Explosives

20 Subscribed and sworn to before me this 17th day of January,
21 2012.



HON. PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

26
27 ³ See, United States v. Pitts, 6F.3d 1366, 1369 (9th Circuit
28 1993); United States v. Dozier, 844 F.2d 701, 707 (9th Circuit
1988); United States v. Gann, 732 F.2d 714, 722 (9th Circuit
1984).